

090608 Minutes for Spring Brook Watershed Lake Management District  
Annual Meeting

Saturday, September 6, 2008 at the Kincaid Home, S.63 W.30961 Rd. X in the Town of Mukwonago.

Call to order and Pledge of Allegiance: Chairman Doug Kincaid called the 2008 Annual Meeting to order as posted according to Wisconsin State Statute Chapter 33 at approximately 9 AM and the group said the Pledge of Allegiance.

Board Members Present: Doug Kincaid, Greg McLain, Karen McNelly and Mike Samarzja. Peter Topczewski was excused for a previous commitment.

District Members Present: Ralph and Ann Kuplerski, Rich, Pat and Helena Nowakowski, Lisa Cairns, Sue Kincaid, Nancy Pennebecker, Jim Pettey, Jann Samarzja, and Jim McNelly.

Guest Speaker: Barb Holtz

Chairman's Report: Doug Kincaid's written and oral report-

"The following is a brief summary of some of the occurrences that took place which I believe are of interest to the members of the District:

1. There were 5 open meetings of the board in the past year, plus the annual meeting. No Closed Meetings were held.
2. Three work crews consisting of Jim and Karen McNelly, Frank Gaszak, Jim Pettey, Greg McLain, Mike Samarzja and Chris Cairns & his friend John helped cut and paint with Tordon for weed control in the spring of 2008. We will be deciding about dam work crews as well as possibly hiring Greg Goode in the future for brush cutting.
3. There presently doesn't seem to be a Beaver problem on our lake. Apparently there are some beaver in the area around our lake, as well as Spring Lake. We will have to keep a look out for any problems and deal with the critters accordingly. Jim McNelly will speak on this later.
4. We also need people to continue looking for Poison Ivy and Purple Loose Strife, so we can identify where it may crop up and eradicate it.
5. The Town has again helped us mow the dam one time down on both sides. I also have mowed the top of the dam only one time this year on July 3<sup>rd</sup>, due to the very dry conditions of our area.
6. Karen McNelly has written the Emergency Action Plan (EAP) for our lake. This was approved by the DNR in May. This EAP was then put to use almost immediately for the Saylesville Mill Pond Dam back in June, when their dam was threatened by high waters. Since they had not written a plan of their own, Karen was able to lend them our own EAP.
7. Thanks also to Bethany McLain and Jim McNelly for their work on the Audit Report.
8. We now have a Workmen's Comp Policy (for the period of 7/1/08 – 7/1/09) from Rob Krohlow of the Horton Group. This policy is required by State Statute. To obtain this policy, we had to apply first for, and receive, an EIN which will be used for filing tax documents, payments, and some correspondence in the future. (Note our Federal Employee Identification Number is used to allow us to make purchases and execute contracts without paying taxes. (Note: The District's FEIN number can only be used by Board Members for District purposes.)

Sincerely,  
Douglas Kincaid, Chairman"

**Lake Dam Maintenance Report and Discussion:** Jim McNelly explained that he and a small group trimmed and treated brush along the dam on 3 occasions, because there is quite a bit more to do it was recommended that the District hire a contractor to bring in equipment to cut and chemically treat the plants every other year to deter future growth. At this time Greg Goode has been contacted to confirm his bid from May 2008 which is for \$1,261.20 for 2 men plus a brush hog and chipper for one day and indicated if the work could be done in less than 8 hours the bill would be prorated accordingly.'

Jim also explained that there is considerable erosion and loss of topsoil on top of the dam probably due to compaction and very high amounts of rainfall over a short period of time last Spring and early Summer. The dam will likely need some topsoil and planting next Spring (2009) after snowmelt.

Beaver and muskrats are in the area and have caused considerable damage on Spring Lake and we will have to continue to monitor and trap when possible. Shooting of these mammals is illegal in the State of Wisconsin unless they are on your private property. A trapping license or a permit for out of season trapping are required.

Our water quality has been very good with no sightings of zebra mussels so far and only a small group of about 5 purple loosestrife plants that were removed by the roots. Jim then showed everyone how to identify purple loosestrife and spotted knapweed, two invasive plant species and two similar, beneficial native purple flowered plants – purple vervain and marsh milkweed.

Jim recommended that the District Board discuss how to get more people to assist with the actual work on the dam and share knowledge of the various lake laws regarding dam, shoreline, pier modifications and fishing, hunting and zoning requirements.

#### **Secretary's Report:**

**2007 Annual Meeting Minutes:** Karen distributed a copy of the 2007 Annual Meeting Minutes and reviewed them with the group.

Jim Pettey made a motion, seconded by Jann Samarzja to approve the 2007 Annual Meeting Minutes as presented. The motion was unanimously approved.

**Ordinance and Legal Information:** Karen then explained that there have been no new changes to Wisconsin State Statute Chapter 33, which governs how we operate as a Lake Management District. She had spoken with Town boat patrol officer Dennis Nork and officer Chris Heckman and they could not think of any significant problems reported on the Lake over the past year.

We are a "Slow No Wake" Lake without gas- powered vehicles year round and this significantly helps to reduce problems on the water and protects the lakes quality. We were reminded that State Law requires and for safety reasons no one should be swimming without an accompanying boat in the middle of the lake and all boaters are required to have life jackets in their boats.

Individuals who hunt and fish should review State Laws annually as they can change and property owners should check with the Town and County if they are planning any changes to their shorelines or are remodeling.

Emergency Action Plan for the District: The (EAP) should be up-dated annually and forwarded to the DNR. After DNR review, it should be forwarded to the Village of North Prairie (the District's first emergency responders) as well as the Town's of Genesee and Mukwonago and Waukesha County's Emergency Management Government.

Karen gave everyone an EAP list of problems that should be reported with a list of who to contact in the event that someone should observe a problem.

Jim McNelly made a motion, seconded by Jann Samarzja to approve the Secretary's report as presented. The motion was unanimously approved.

Treasurer's Report: Mike Samarzja

Audit Committee Report: Jim Mc reported that Bethany M. helped him review the District's receipts, disbursements and interest earnings as directed by the District members at the 2006 Annual Meeting for the operation of the District Board during 2007 and also for the first 6 months of 2008. He indicated that there was a small discrepancy, an \$0.86 deposit of tax money was not credited into the District's account.

He also stated that the Audit Committee had determined that the Board had operated as directed by the District members according to the adopted budgets and thanked Mike for his work.

Greg McLain made a motion seconded by Jim Pettey to accept the 2007/08 Audit Report as presented by Jim M. The motion was unanimously approved.

Review and adopt proposed 2009 District budget: Mike presented the 2009 proposed budget and explained that the levy would remain the same, but some monies had been moved from dam maintenance to help offset the additional \$904.00 cost for "workers compensation" insurance and because we needed to contract some brush cutting and removal on the dam at a cost of \$1,260.00. The recommended levy will remain the same as the past 10 years at \$4,250.00.

The adopted budget is attached to the last page of these minutes in the Secretary's minute book.

Jim McNelly made a motion, seconded by Pat Nowakowski to accept the 2009 proposed budget as presented by the Board of Commissioners. The motion was unanimously approved.

**Review and approve the Resolution for the 2008 tax levy to operate the District business during 2009: (The following Resolution was read aloud)**

## **SPRING BROOK WATERSHED LAKE MANAGEMENT DISTRICT**

Towns of Mukwonago and Genesee, Waukesha County, Wisconsin

### **RESOLUTION September 6, 2008: APPROVAL OF TAX LEVY 2008 AND OPERATING BUDGET FOR 2009.**

**WHEREAS**, Chapter 33, Wisconsin Statutes, requires approval of the budget and tax levy at the annual meeting of the District, and

**WHEREAS**, the electors and property owners of the District at the annual meeting held September 6, 2008 approved the proposed budget of \$ 4,250.00, and

**WHEREAS**, a certified copy of this budget and tax levy will be filed with the Treasurers of the Towns of Mukwonago Genesee and a copy of this budget and tax levy will be provided to the Waukesha County Treasurer,

**NOW, THEREFORE**, be it resolved that the electors and property owners of the Spring Brook Watershed Lake Management District adopt a tax levy of \$4,250.00.

Dated this 6th Day of September 2008.

\_\_\_\_\_  
Douglas Kincaid  
Chairman

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Mike Samarzja  
Treasurer

CC:

Treasurer -Town of Mukwonago  
W320 S8315 Beulah Road  
Mukwonago, WI 53149

Treasurer - Town of Genesee  
S43 W31391 Hwy 83  
Genesee Depot, WI 53127

Treasurer – Waukesha County  
1320 Pewaukee Road  
Waukesha, WI 53188

**Jann Samarzja made a motion, seconded by Jim Pettey to approve the Resolution as read for a tax levy in the amount of \$4,250.00.**

**Nomination and Election of 2 members to serve on the Board of Commissioners ( One 3-year and one 2-year term):** Jim M. made a motion, seconded by Sue Kincaid to nominate Doug Kincaid for a 3 year term to the Board of Commissioner's. Doug K. amended that motion with the approval of the

maker (Jim M.) and second (Sue K.) to have Greg serve for a 2-year term to the Board of Commissioner's.

The motion made by Jim M. and seconded by Sue K. as presented and amended was approved.

Because a paper ballot is required by Chapter 33 for commissioners to serve on the Board all District members participated.

15 ballots were collected with the following results: 15 voted for Doug K. for a 3 year term, 14 voted for Greg M. for a 2 year term.

**Recommendation for next years Annual Meeting:**

Jim M. made a motion, seconded by Rich Nowakowski to have the Board of Commissioners establish a late August or early September (before Sept. 8<sup>th</sup>) Annual Meeting Date. The motion was unanimously approved.

**Flooding in the Town of Mukwonago and Town Update:** Guest speaker Barb Holtz, who recently retired from 4 years as a Town Supervisor reported that due to extremely high waters resulting from larger than normal snow amounts, late season thawing of frost and very large amounts of rain fall in June, many areas in the Town had flooded. The worst flooding occurred in Country Bliss sub-division. Country Bliss was developed in the mid 1970's. Due to the roads being flooded during the summer the Town Board agreed to assist with the implementation of pumping plan, which piped the water all the way to the Jericho Creek for a period of about six weeks. There had been some increases in water temperature in the Jericho Creek, but was not significant for this short period of time to cause any measurable problems. The Town has encouraged the property owners to work together and everyone is looking for long-term solutions. One solution proposed by Ruekert and Mielke and Town Engineer Sean Sullivan is formation of a stormwater management district. The cost estimate for the construction of facilities for stormwater conveyance exceeded a million dollars. Another option being considered is to remove some of the homes, creating more open space for water retention and less impervious surface. A cost estimates has not been developed for this option. Some property owners have said their homes are not healthy to live in and there are concerns about the ground water related flooding reoccurring in the future. Past flooding has been noted in this immediate area.

Barb suggested that everyone continue to follow this situation and encouraged members of the District to watch for and attend the Town's SMART GROWTH Hearings to be held soon.

Barb was thanked for coming and her presentation.

**Adjournment:**

Rich Nowakowski made a motion, seconded by Jim Pettey to adjourn the 2008 Annual Meeting at 10:55 AM. The motion passed unanimously.

Karen J. McNelly,  
Secretary

Date Approved \_\_\_\_\_.





**SPRING BROOK WATERSHED LAKE MANAGEMENT DISTRICT PROPOSED BUDGET FOR THE YEAR BEGINNING JANUARY 1, 2009**

<b>Budget Category</b>	<b>Budget for 2006</b>	<b>Expended 2006</b>	<b>Carry over from 2006</b>	<b>Taxes 2007</b>	<b>Budget for 2007</b>	<b>Expended to 2007</b>	<b>Carry over from 2007</b>	<b>Taxes 2008</b>	<b>Budget for 2008</b>
Insurance	1,700.00	1,551.00	149.00	1,551.00	1,700.00	1,580.00	120.00	1750.00	1870.00
Office Supplies	210.00	90.45	119.55	30.45	150.00	56.60	93.40	150.00	243.40
WI Assoc. of Lakes	400.00	80.00	320.00	80.00	400.00	50.00	350.00	50.00	400.00
Legal Fees	500.00	0.00	500.00	0.00	500.00	0.00	500.00	0.00	500.00
Land Acquisition	2,200.00	0.00	2,200.00	0.00	2,200.00	0.00	2,200.00	0.00	2200.00
Lake Mgt Plan	1.00	0.00	1.00	0.00	1.00	0.00	1.00	0.00	1.00
Dam Maintenance	8,352.89	0.00	8,352.89	2,588.55	10,941.44	100.00	10,841.44	2,000.00	12,841.44
Contingencies	300.00	0.00	300.00	0.00	300.00	4,730.74	0.00	300.00	300.00
<b>TOTALS</b>	<b>13,663.89</b>	<b>1,721.45</b>	<b>11,942.44</b>	<b>4,250.00</b>	<b>16,192.41</b>	<b>6,517.34</b>	<b>14,105.84</b>	<b>4250.00</b>	<b>\$18,355.84</b>

The annual budget is determined by the majority vote of the Lake District residents in attendance at the annual meeting.

The approved annual budget is a projection of how much money may be needed by the Lake District to perform its work during the year.

The amount of the annual budget determines whether the mill tax rate will increase, decrease or stay the same during the year.

Over the history of Spring Brook Watershed Lake Management District the new taxes portion of the annual budget has stayed constant at \$4250.00

The history of expenditures authorized by the board of commissioners shows that they have conservatively used your tax money and



**saved the surplus for the future.**

**The \$4,730.74 Contingency line item was not really expended but funds from checking were used to boost CD amount to \$15,000.00.**

**The pattern of expenditures to date in 2008 shows a similar pattern, but Insurance costs increased to add workers compensation coverage and increase personal injury coverage.**

**The goal of the majority of the residents as defined by past budgets has been to slowly create a fund for future dam maintenance and slowly increase that Dam Maintenance budget line item. For 2009 it will grow at a slower rate because increased insurance costs (\$650.00) will partially come from the Dam Maintenance Budget.**

Created July 27, 2008 by Michael Samarzja, Treasurer SBWLMD